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SQUIRE, SANDERS & DEMPSEY L.L.P.			MOORE JR, MICHAEL J	
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TYSONS CORNER, VA 22182			2666	

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/709,532

Applicant(s)BOWES, MICHAEL J. **Examiner**

Michael J. Moore, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/18/2005 has been entered.

Claim Objections

2. Claim 28 is objected to because of the following informalities: On line 9, the word "a" is missing between words "having" and "second". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-12, 14, and 16-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Beuk et al. (U.S. 5,774,673) ("Beuk"). Beuk teaches all of the limitations of the listed claims with the reasoning that follows.

Regarding claim 1, "transmitting a packet request message from a first station to a second station" is anticipated by the activation message 500 sent by apparatus 100 (first station) to apparatus 101 (second station) of Figure 2. "Determining if the packet

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request message is valid” is anticipated by the verification whether a message has been received correctly by message receiving means 210 of Figure 2 as described in column 13, lines 24-25. “Transmitting a request acknowledge message from the second station to the first station” is anticipated by the acknowledgement frame 502 sent from apparatus 101 (second station) to apparatus 100 (first station) of Figure 2.

“Determining if the request acknowledge message is valid” is anticipated by the acknowledgement frame comparison spoken of in column 4, lines 38-48. “Wherein the packet request message and the request acknowledge message each include a control bit string, an identification bit string, and at least one parity bit” is anticipated by the TYPE fields (control bit string) shown in the frames of Figure 3 and spoken of on column 12, lines 36-43, the channel fields (identification bit string) shown in frames 630 and 640 of Figure 3 and spoken of on column 11, line 66 – column 12, line 2, and the parity bits comprised in a message frame shown in the frames of Figure 3 and spoken of in column 13, lines 25-30 as well as the one bit ACK field (parity bit) in the acknowledgement frames 620 and 640 of Figure 3. Lastly, “the control bit string identifying whether a frame is a control frame or a data frame” is anticipated by the TYPE fields shown in Figure 3 and spoken of on column 12, lines 36-43 that are used to distinguish between an acknowledgement frame (control) and a message frame (data).

Regarding claim 2, “the step of generating the packet request message” is anticipated by the activation message 500 sent by apparatus 100 (first station) to apparatus 101 (second station) of Figure 2. “Wherein said generated packet request message includes a request control code group and a request data code group” is

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anticipated by the TYPE fields (request control code group) of frames 610 and 630 shown in Figure 3 as well as the DATA fields (request data code group) of frames 610 and 630 shown in Figure 3.

Regarding claim 3, “generating a request non-payload bit string corresponding to a pre-programmed packet request register” is anticipated by the TYPE fields (request non-payload bit string) of frames 610 and 630 shown in Figure 3.

Regarding claim 4, “generating a request data code group bit string having at least one request parity bit and at least one request identification bit” is anticipated by the parity bits comprised in a message frame spoken of in column 13, lines 25-30 as well as the channel fields (identification) shown in frames 610 and 630 of Figure 3.

Regarding claim 5, “generating a first request parity bit corresponding to a parity of said request control code group bit string and a second request parity bit corresponding to a parity of said request data code group” is anticipated by the parity bits comprised in a message frame spoken of in column 13, lines 25-30.

Regarding claim 6, “the step of generating the request acknowledge message” is anticipated by the acknowledgement frame 502 sent from apparatus 101 (second station) to apparatus 100 (first station) of Figure 2. “Wherein the request acknowledgement message includes an acknowledge control code group and an acknowledge data code group” is anticipated by the TYPE fields (acknowledge control code group) of frames 620 and 640 shown in Figure 3 as well as the ACK fields (acknowledge data code group) of frames 620 and 640 shown in Figure 3.

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Regarding claim 7, "generating an acknowledge non-payload bit string corresponding to a pre-programmed packet acknowledge register" is anticipated by the TYPE fields (acknowledge non-payload bit string) of frames 620 and 640 shown in Figure 3.

Regarding claim 8, "generating an acknowledge data bit string having at least one acknowledge parity bit and at least one acknowledge identification bit" is anticipated by the ACK field (parity field) in the acknowledgement frames 620 and 640 of Figure 3.

Regarding claim 9, "a first acknowledge parity bit corresponding to a parity of said acknowledge control code group and a second acknowledge parity bit corresponding to a parity of said acknowledge data code group" is anticipated by the ACK field (parity field) in the acknowledgement frames 620 and 640 of Figure 3.

Regarding claim 10, "determining if at least one request parity bit for the packet request message is valid and determining if a request control code group message is valid" is anticipated by the distinguishing between an acknowledgement frame and a message frame using the TYPE field (request control code group) as spoken of on column 12, lines 36-43 as well as checking whether the parity matches parity bits comprised in the message frame (request parity bit) as described in column 13, lines 25-30.

Regarding claim 11, "comparing an acknowledge identification parameter associated with the request acknowledge message to a stored list of valid acknowledge identification parameters" is anticipated by the comparison of channel fields of a message and an acknowledgement spoken of in column 4, lines 38-48 where channel

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numbers (request and/or ACK identification parameters) correspond to a predetermined range of numbers (list of valid ACK identification parameters) as stated in column 6, lines 17-20. "Determining if an acknowledge control code group associated with the request acknowledge message is valid; and determining if at least one acknowledge parity parameter is satisfied" is anticipated by the distinguishing between an acknowledgement frame and a message frame using the TYPE field (acknowledge control code group) as spoken of on column 12, lines 36-43 as well the ACK field in the acknowledgement frames 620 and 640 of Figure 3 as well as on column 11, lines 55-58, that is used to indicate whether a message has been received correctly.

Regarding claim 12, "determining if a first acknowledge parity bit associated with the acknowledge identification parameter is satisfied and determining if a second acknowledge parity bit associated with the acknowledge control code group is satisfied" is anticipated by the ACK field in the acknowledgement frames 620 and 640 of Figure 3 as well as on column 11, lines 55-58, that is used to indicate whether a message has been received correctly.

Regarding claim 14, "transmitting a packet request message from a first station to a second station" is anticipated by the activation message 500 sent by apparatus 100 (first station) to apparatus 101 (second station) of Figure 2. "Said packet request message having a first identification number, a first control code group, and a first parity parameter associated therewith" is anticipated by the channel field (first identification number) of frame 630 of Figure 3, TYPE field (first control code group) of frame 630 of Figure 3, and the parity bits comprised in a message frame spoken of in column 13,

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lines 25-30 and shown in Figure 3. "Storing the first identification number associated with the packet request message" is anticipated by storage means 300, which stores channel associated applications as stated in column 12, lines 60-64.

"Transmitting a request acknowledge message from said second station to said first station" is anticipated by the acknowledgement frame 502 sent from apparatus 101 (second station) to apparatus 100 (first station) of Figure 2. "Said request acknowledge message having a second identification number, a second control group, and a second parity parameter associated therewith" is anticipated by the channel field (second identification number) of frame 640 of Figure 3, TYPE field (second control group) of frame 640 shown in Figure 3, and the ACK field (parity field) in the acknowledgement frame 640 of Figure 3.

"Determining if the first and second control groups are valid" is anticipated by the distinguishing between an acknowledgement frame and a message frame using the TYPE field (control code group) as spoken of on column 12, lines 36-43. "Determining if the second identification number matches the first identification number" is anticipated by the channel field comparison spoken of in column 4, lines 43-47.

"Determining if the first and second parity parameters are valid" is anticipated by the checking of whether the parity matches parity bits comprised in the message frame (first parity parameter) as described in column 13, lines 25-30 as well as the ACK field (second parity parameter) in the acknowledgement frames 620 and 640 of Figure 3 as well as on column 11, lines 55-58, that is used to indicate whether a message has been received correctly. Lastly, "wherein the first control group and the second control group

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are configured to identify whether a frame is a control frame or a data frame” is anticipated by the TYPE fields (control groups) shown in Figure 3 and spoken of on column 12, lines 36-43 that are used to distinguish between an acknowledgement frame (control) and a message frame (data).

Regarding claim 16, “the step of generating the packet request message” is anticipated by the activation message 500 sent by apparatus 100 (first station) to apparatus 101 (second station) of Figure 2. “Wherein said generated packet request message includes a first control group bit string, a first identification number bit string, a first parity bit corresponding to the first control group bit string, and a second parity bit corresponding to the identification number bit string” is anticipated by the channel field (first identification number bit string) of frame 630 of Figure 3, TYPE field (first control group bit string) of frame 630 of Figure 3, and the parity bits comprised in a message frame spoken of in column 13, lines 25-30.

Regarding claim 17, “generating the request acknowledge message” is anticipated by the acknowledgement frame 502 sent from apparatus 101 (second station) to apparatus 100 (first station) of Figure 2. “Wherein said generated request acknowledge message includes a second control group bit string, a second identification number bit string, a third parity bit corresponding to the second control group bit string, and a fourth parity bit corresponding to the second identification number bit string” is anticipated by the channel field (second identification number bit string) of frame 640 of Figure 3, TYPE field (second control group bit string) of frame 640 of

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Figure 3, and the ACK field (parity field) in the acknowledgement frames 620 and 640 of Figure 3.

Regarding claim **18**, “comparing the first identification number to the second identification number; and determining if the first identification number is identical to the second identification number” is anticipated by the channel field comparison spoken of in column 4, lines 43-47.

Regarding claim **19**, “receiving the first and second control groups in a flow logic control module; and determining if the first and second control groups are of a valid and recognized format” is anticipated by the distinguishing between an acknowledgement frame and a message frame in apparatus 101 (flow logic control module) of Figure 2 using the TYPE field (control code group) as spoken of on column 12, lines 36-43.

Regarding claim **20**, “wherein the first parity parameter further comprises a request identification parity bit and a request control code group parity bit” is anticipated by the parity bits comprised in a message frame spoken of in column 13, lines 25-30 as well as the channel field shown in frame 630 of Figure 3.

Regarding claim **21**, “determining if the request identification parity bit is valid and determining if the request control code group parity bit is valid” is anticipated by the checking of whether the parity matches parity bits comprised in the message frame (request parity bit) as described in column 13, lines 25-30.

Regarding claim **22**, “determining if the request identification parity bit represents the parity of the first identification number” is anticipated by the checking of whether the

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parity matches parity bits comprised in the message frame (request parity bit) as described in column 13, lines 25-30.

Regarding claim **23**, “determining if the request control code group parity bit represents the parity of the first control code group” is anticipated by the checking of whether the parity matches parity bits comprised in the message frame (request parity bit) as described in column 13, lines 25-30.

Regarding claim **24**, “wherein the second parity parameter further comprises an acknowledge identification parity bit and an acknowledge control code group parity bit” is anticipated by the ACK field (parity field) in the acknowledgement frames 620 and 640 of Figure 3.

Regarding claim **25**, “determining if the acknowledge identification parity bit is valid and determining if the acknowledge control code group parity bit is valid” is anticipated by the ACK field (parity parameter) in the acknowledgement frames 620 and 640 of Figure 3 as well as on column 11, lines 55-58, that is used to indicate whether a message has been received correctly.

Regarding claim **26**, “determining if the acknowledge identification parity bit represents the parity of the second identification number” is anticipated by the ACK field (parity parameter) in the acknowledgement frames 620 and 640 of Figure 3 as well as on column 11, lines 55-58, that is used to indicate whether a message has been received correctly.

Regarding claim **27**, “determining if the acknowledge control code group parity bit represents the parity of the second control code group” is anticipated by the ACK field

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(parity parameter) in the acknowledgement frames 620 and 640 of Figure 3 as well as on column 11, lines 55-58, that is used to indicate whether a message has been received correctly.

Regarding claim 28, "a first transmitting unit for transmitting a packet request message from a first station to a second station, said packet request message including a first identification number, a first control code group, and a first parity parameter associated therewith" is anticipated by the activation message 500 sent by message sending means 200 (first transmitting unit) from apparatus 100 (first station) to apparatus 101 (second station) of Figure 2.

"Said packet request message having a first identification number, a first control code group, and a first parity parameter associated therewith" is anticipated by the channel field (first identification number) of frame 630 of Figure 3, the TYPE field (first control code group) of frame 630 of Figure 3, and the parity bits comprised in a message frame spoken of in column 13, lines 25-30 and shown in Figure 3. "Storage unit for storing the first identification number associated with the packet request message" is anticipated by storage means 300, which stores channel associated applications as stated in column 12, lines 60-64.

"A second transmitting unit for transmitting a request acknowledge message from said second station to said first station" is anticipated by the acknowledgement frame 502 sent by acknowledgement sending means (second transmitting unit) 220 from apparatus 101 (second station) to apparatus 100 (first station) of Figure 2. "Said request acknowledge message having a second identification number, a second control

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group, and a second parity parameter associated therewith" is anticipated by the channel field (second identification number) of frame 640 of Figure 3, TYPE field (second control group) of frame 640 of Figure 3, and the ACK field (parity field) in the acknowledgement frames 620 and 640 of Figure 3.

"At least one flow logic unit for determining if the first and second control groups are valid" is anticipated by the distinguishing between an acknowledgement frame and a message frame in apparatus 101 (flow logic control module) of Figure 2 using the TYPE field (control group) as spoken of on column 12, lines 36-43. "Determining if the second identification number matches the first identification number" is anticipated by the channel field comparison spoken of in column 4, lines 43-47.

"Determining if the first and second parity parameters are valid" is anticipated by the checking of whether the parity matches parity bits comprised in the message frame (first parity parameter) as described in column 13, lines 25-30 as well as the ACK field (second parity parameter) in the acknowledgement frames 620 and 640 of Figure 3 as well as on column 11, lines 55-58, that is used to indicate whether a message has been received correctly. Lastly, "wherein the first control group and the second control group are configured to identify whether a frame is a control frame or a data frame" is anticipated by the TYPE fields (control groups) shown in Figure 3 and spoken of on column 12, lines 36-43 that are used to distinguish between an acknowledgement frame (control) and a message frame (data).

Regarding claim **29**, “wherein said first transmitting unit further comprises a first high speed interface of a first network switch” is anticipated by message sending means 200 (first transmitting unit) of apparatus 100 (first network switch) shown in Figure 2.

Regarding claim **30**, “wherein said second transmitting unit further comprises a second high speed interface of a second network switch” is anticipated by acknowledgement sending means 220 (second transmitting unit) of apparatus 101 (second network switch) shown in Figure 2.

Regarding claim **31**, “wherein said storage unit further comprises a memory within said first transmitting unit” is anticipated by storage means 300 of apparatus 100 coupled to message sending means 200 in Figure 2.

Regarding claim **32**, “a first flow control logic module, said first flow control logic module being positioned within a first network switch” is anticipated by channel activation means 240 (first flow control logic module) of apparatus 100 (first network switch). “A second flow control logic module, said second flow control logic module being positioned within a second network switch” is anticipated by channel activation means 240 (second flow control logic module) of apparatus 101 (second network switch).

Regarding claims **33, 35, and 37**, a packet request message comprising an ordered set is anticipated by frames 610 and 630 of Figure 3.

Regarding claims **34, 36, and 38**, a request acknowledge message comprising an ordered set is anticipated by frames 620 and 640 of Figure 3.

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims **13 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Beuk et al. (U.S. 5,774,673) in view of Meyer et al. (U.S. 6,611,495).

Regarding claims **13 and 15**, Beuk et al. teaches the methods of claims **1 and 14** as described above. Beuk et al. does not teach the starting of a timer upon transmission of a packet request message and retransmitting the message if a predetermined period of time has passed. However, Meyer et al. discloses a retransmission timer (REXMT) in column 2, lines 41-56 that times packet transmission according to a predetermined time period. At the time of the invention, it would have been obvious to someone of ordinary skill in the art given these references to combine the methods of each of claims **1 and 14** with a retransmission timer as described in the Meyer et al. reference. A motivation for doing so would be in order to have an effective transmission error recovery procedure as stated in column 2, lines 41-56 of the Meyer et al. reference.

Response to Arguments

7. Applicant's arguments with respect to claims **1, 14, and 28** have been considered but are moot in view of the new ground(s) of rejection provided above.

Regarding claims **1, 14, and 28**, Applicant argues that the special header field (HDR) of Beuk et al. does not correspond to the control bit string (control code group) of

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claims **1, 14, and 28**. Applicant states that the control bit string of the claimed invention identifies whether the frame is a control frame or a data frame and that Beuk et al. fails to disclose this. This statement is noted. However, Beuk et al. does teach TYPE fields (control code groups) shown in the frames of Figure 3 and spoken of on column 12, lines 36-43 that are used to distinguish between an acknowledgement frame (control) and a message frame (data).

Applicant also argues that the channel field disclosed by Beuk et al. does not correspond to the identification bit string (identification number) of claims **1, 14, and 28**. Applicant states that the identification bit string recited in the claimed invention is used to identify and correlate specific request messages with corresponding acknowledgement messages and that the channel field of Beuk et al. does not serve this purpose. This statement is noted. However, what is claimed is, “wherein the packet request message and the request acknowledge message each include a control bit string, an identification bit string, and at least one parity bit” (claim 1). This limitation does not indicate anything pertaining to an identification bit string identifying and correlating specific request and acknowledgement messages.

Applicant also argues that both the packet request message and the request acknowledge messages include at least one parity bit and that Beuk et al. only discloses that a request message includes a parity bit. While Beuk et al. discloses parity checking to determine whether a message has been received correctly on column 13, lines 24-28, Beuk et al. further discloses a one bit ACK field in the acknowledgement frame 640 of Figure 3 as well as on column 11, lines 55-58, that is

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used to indicate whether a message has been received correctly. It is believed that this field constitutes a parity bit in an acknowledgement message.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Thus, in view of the above statements, it is held that Beuk et al. teaches the above-cited limitation of claim 1 as well as the similar limitations of claims **14 and 28**.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kadambi et al. (U.S. 6,850,521) as well as Kadambi et al. (U.S. 6,795,447) are references pertinent to this application.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached at (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mjm MM


FRANK DUONG
PRIMARY EXAMINER

Michael J. Moore, Jr.
Examiner
Art Unit 2666